

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 36

November 30, 2007

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON OCTOBER 23, 2007

SUBJECT: RESTRICTION AND REINSTATEMENT OF THE RIGHT TO CARRY A FIREARM AND POWERS OF ARREST SUBSEQUENT TO THE MEDICAL INABILITY TO MEET DEPARTMENT FIREARM QUALIFICATION STANDARDS

PURPOSE: The Los Angeles Police Department has a responsibility to ensure that sworn personnel maintain their firearm shooting proficiency and are capable of performing this function pursuant to their duties as peace officers. The firearms shooting qualification standards are set forth in Department Manual Sections 3/258 through 3/258.14.

This Order establishes the restriction and reinstatement of the right to carry a firearm and powers of arrest subsequent to the medical inability to meet Department firearm qualification standards.

PROCEDURE:

- I. **MANUAL SECTION 3/258.02, EXEMPTIONS TO REQUIREMENT TO QUALIFY - REVISED.** The responsibility for reviewing the physician's statement exempting an officer from meeting the firearms qualification requirements shall be transferred from the employee's commanding officer to the Officer in Charge (OIC), Medical Liaison Section (MLS), Personnel Division, as indicated:

Medical Exemptions. Sworn personnel who are unable to qualify due to an injury shall be examined by a physician. Sworn personnel shall obtain a statement from the physician imposing the medical restriction and an estimate of the length of time for which the officer should be exempted from qualification requirements. The statement shall be reviewed and verified by the OIC, MLS. After it is determined valid for the purpose of exemption from firearm qualification, MLS shall retain a copy of the statement and forward the original to be filed in the officer's Division Employee Folder, Form 01.01.00.

Note: Officers are reminded that temporary medical restrictions are valid for 30 days only. If a medical condition persists past 30 days and continues

to inhibit an officer from meeting Department qualification standards, the officer must obtain a subsequent doctor's statement every 30 days until the restriction is rescinded or is classified permanent and stationary.

- II. MEDICAL INABILITY TO MEET DEPARTMENT FIREARM QUALIFICATION STANDARDS, SECTION 3/258.03 - ADDED.** If an officer who has a medical exemption has not qualified with his or her duty firearm within one calendar year, whether the reason is based on a temporary or permanent medical restriction, the officer's authority to carry a firearm, on or off-duty, shall be rescinded, and the officer's powers of arrest shall be restricted to on-duty only.

Furthermore, the officer shall relinquish his or her City-issued firearm and police identification (ID) card to the Department and receive a restricted police ID card. The officer shall retain the restricted peace officer status until the medical restriction has been rescinded and the officer meets the shooting qualification standards. The officer may then have the right to carry a firearm and full powers of arrest reinstated.

Note: Female officers medically exempt due to restrictions associated with pregnancy and childbirth, and officers who are medically exempt from shotgun qualification only, are not affected by this policy.

- III. RELINQUISHING A FIREARM AND OBTAINING A RESTRICTED POLICE IDENTIFICATION CARD.** An officer with a medical exemption who has not qualified with his or her duty firearm within one calendar year, shall be served with an Intradepartmental Correspondence, Form 15.02.00, titled *Notice to Meet Firearm Qualification Requirements within 30 Calendar Days* (30-Day Notice). Once served, the officer shall have 30 days to determine if he or she is medically fit to qualify and successfully pass the minimum firearm qualification standards.

Note: If an officer with either a temporary or permanent restriction believes that he or she is medically fit to meet Department firearm qualification standards, the officer is encouraged to make an

appointment with his or her doctor and have the restrictions re-evaluated and possibly rescinded.

If the officer is unable to qualify with his or her duty firearm by the expiration of the 30-Day Notice, the officer shall be served with an Intradepartmental Correspondence, titled *Order to Relinquish City-Issued Duty Firearm and Police Identification Card, and Restriction of Peace Officer Powers* (Order to Relinquish).

A. OFFICER'S RESPONSIBILITY. Upon receipt of an Order to Relinquish, the officer shall:

- * Respond to MLS to turn in his or her City-issued firearm and police ID card; and,
- * Respond to Personnel Records Section (PRS), Personnel Division, to be issued a restricted police ID card, which shall indicate that the officer is not authorized to carry a firearm on or off-duty and is restricted to on-duty powers of arrest only.

Note: If the officer is off on long-term Injury On Duty (IOD) or medical leave of absence and is physically unable to respond to MLS, an Area Training Coordinator (ATC) or supervisor will respond to the officer's location to serve the Order to Relinquish. The officer shall relinquish his or her firearm and police ID card to the ATC or supervisor, who will provide the officer with a restricted police ID card issued by PRS.

B. AREA TRAINING COORDINATOR/SUPERVISOR'S RESPONSIBILITIES. The ATC or supervisor shall accompany the officer to MLS and PRS and oversee the process of relinquishing the firearm and police ID card and obtaining a restricted police ID card.

In instances in which an officer is off on long-term IOD or medical leave, the ATC or supervisor shall:

- * Receive the officer's Order to Relinquish, signed by the commanding officer;

- * Respond to PRS and obtain a restricted police ID card for the officer;
- * Respond to the officer's location and serve the Order to Relinquish to the officer;
- * Take possession of the officer's City-issued firearm and police ID card;
- * Issue a restricted police ID card to the officer;
- * Submit a copy of the Order to Relinquish with the firearm and police ID card to MLS; and,
- * Send the officer a copy of the Order to Relinquish and file the original in the officer's Division Employee Folder, Form 01.01.00.

C. COMMANDING OFFICER'S RESPONSIBILITIES. Upon notification from MLS that an officer has not qualified within a calendar year, the commanding officer shall:

- * Serve the officer with a 30-Day Notice; and,
- * Ensure that the officer is given reasonable opportunity to meet the requirements.

If the officer does not meet Department qualification standards by the expiration of the 30-Day Notice, the commanding officer shall:

- * Serve the officer with an Order to Relinquish;
- * Instruct the officer to respond to MLS to relinquish his or her City-issued firearm and police ID card; and,
- * Instruct the officer to respond to PRS to be issued a restricted police ID card.

Note: The commanding officer may designate a supervisor to serve an officer who is on long-term IOD or medical leave at the officer's location.

D. MEDICAL LIAISON SECTION'S RESPONSIBILITIES.

Two months from the date of this Order, MLS shall conduct an initial audit in order to ascertain all sworn employees who have not qualified within one calendar year. Medical Liaison Section shall notify the officers' commanding officers via an Intradepartmental Correspondence from the Commanding Officer, Personnel Division.

When an officer reports to MLS with an Order to Relinquish, MLS personnel shall:

- * Take receipt of the officer's City-issued firearm and police ID card;
- * Submit the police ID card to PRS for safe-keeping;
- * Submit the officer's City-issued firearm to the Department's armory at the Davis Training Facility for storage; and,
- * Retain a copy and submit the original Order to Relinquish for filing in the officer's Division Employee Folder.

E. PERSONNEL RECORDS SECTION'S RESPONSIBILITIES.

When an officer responds to PRS with an Order to Relinquish, PRS shall:

- * Issue the officer a restricted police ID card, which shall indicate that the officer is not authorized to carry a firearm on or off-duty and is restricted to on-duty powers of arrest only;
- * Obtain the officer's regular police ID card from MLS or a supervisor; and,
- * File the police ID card with a copy of the Order to Relinquish.

IV. REINSTATEMENT OF THE RIGHT TO CARRY FIREARM AND PEACE OFFICER POWERS. An officer on restricted status may have his or her right to carry a firearm and full powers of arrest reinstated once the officer's medical restriction has been rescinded and the Department firearm qualification standards have been met.

A. OFFICER'S RESPONSIBILITIES. The officer must submit a physician's note rescinding the medical restriction to the OIC, MLS, for review and approval. Once the OIC, MLS, has approved the officer's ability to qualify, the officer shall respond to the Davis Training Facility for qualification.

Note: If the officer's City-issued firearm is his or her duty firearm, the officer shall check out the firearm from the armory to qualify. If the officer fails to qualify, the firearm shall be returned to the armory.

Once the officer successfully qualifies with his or her duty firearm, the officer shall:

- * Sign out his or her City-issued firearm from the Department's armory;
- * Respond immediately to MLS and present the qualification receipt to the OIC, MLS;
- * In return, receive an Intradepartmental Correspondence, titled *Reinstatement of Right to Carry Firearm and Full Powers of Arrest* (Reinstatement Order) from MLS; and,
- * Respond to PRS to turn in the officer's restricted police ID card and be re-issued his or her regular police ID card.

Once an officer's right to carry a firearm and police powers have been reinstated, the officer shall continue to maintain compliance with Department firearm shooting qualification standards.

B. AREA TRAINING COORDINATOR/SUPERVISOR'S RESPONSIBILITY. The ATC or supervisor shall accompany the officer to the Davis Training Facility and Personnel Division to oversee the officer's firearm qualification and reinstatement process.

If the officer fails to pass the firearm qualification course in his or her initial attempt, the ATC or supervisor shall arrange remedial firearms training for the officer and ensure that the officer successfully qualifies at the completion of the training.

C. COMMANDING OFFICER'S RESPONSIBILITY: Upon receiving the Intradepartmental Correspondence from MLS, stating that the officer is no longer medically exempt for the purpose of meeting the Department's firearm shooting qualification, the commanding officer shall assign an ATC or supervisor to oversee the officer's qualification and reinstatement process.

D. MEDICAL LIAISON SECTION'S RESPONSIBILITY. Medical Liaison Section shall review the doctor's statement rescinding the officer's medical restriction to ensure that it is valid. Medical

Liaison Section shall then submit an Intradepartmental Correspondence from the Commanding Officer, Personnel Division, to the officer's commanding officer to advise that the officer is no longer medically exempt from meeting Department firearm qualification standards.

Once the officer has successfully qualified and presents his or her qualification receipt, the OIC, MLS, shall complete and sign a Reinstatement Order addressed to the officer. The OIC shall provide a copy of the Order to the officer and submit the original for filing in the officer's Division Employee Folder.

- E. PERSONNEL RECORDS SECTION'S RESPONSIBILITY.** When an officer responds to PRS with a Reinstatement Order, PRS shall take the officer's restricted police ID card and re-issue him or her the regular police ID card. Personnel Records Section shall file the restricted police ID card with a copy of the Reinstatement Order.

Any deviation from this policy shall be at the discretion of the Chief of Police.

FORMS AVAILABILITY: Templates for the 30-Day Notice and Order to Relinquish are attached to this Order and are available on the Department Local Area Network system.

AMENDMENT: This Order revises Department Manual Section 3/258.02, and adds Department Manual Section 3/258.03.

AUDIT RESPONSIBILITY: The Commanding Officer, Personnel Division, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachments

DISTRIBUTION "D"

INTRADEPARTMENTAL CORRESPONDENCE

Date
Ref#

TO: Police Officer_____, Serial No. _____

FROM: Commanding Officer, _____Area

SUBJECT: NOTICE TO MEET FIREARM QUALIFICATION REQUIREMENTS WITHIN
30 CALENDAR DAYS

Pursuant to Special Order No. _____, was published on _____, 2007, all sworn personnel with medical exemptions are required to have passed Department firearm qualification standards within a calendar year in order to retain their right to carry a firearm and full peace officer powers of arrest. According to an audit conducted by Medical Liaison Section on_____, 2007, you have not qualified with your duty firearm since _____.

This notice gives you **30 days** to meet Department firearm qualification standards and provide a passing qualification receipt to your commanding officer. If you have either a temporary or permanent medical restriction, but believe that you are well enough to qualify with your duty firearm, you are encouraged to make an appointment with your doctor and have your restriction re-evaluated and possibly rescinded.

At the end of 30 days, if you are still unable to meet Department firearm qualification standards, you shall be served with an *Order to Relinquish City-Issued Firearm and Restriction of Police Officer Powers*. You will be required to turn in your City-issued firearm and your police identification card to Medical Liaison Section, Personnel Division. You will then be issued a restricted police identification card at Personnel & Records Section. The restricted ID card will indicate that you are not authorized to carry a firearm on or off-duty and you are restricted to on-duty powers of arrest only. You shall retain the restricted peace officer status until your medical restriction is rescinded and you meet Department firearm qualification standards, at which time your right to carry a firearm and full peace officer powers may be reinstated.

_____, Captain
Commanding Officer, _____Area

Employee Signature/Date

INTRADEPARTMENTAL CORRESPONDENCE

Date
Ref#

TO: Police Officer _____, Serial No. _____, _____Area

FROM: Commanding Officer, _____

SUBJECT: ORDER TO RELINQUISH CITY-ISSUED DUTY FIREARM AND
RESTRICTION OF POLICE OFFICER POWERS

Pursuant to Special Order No. __, published on _____, 2007, all sworn personnel with medical exemptions are required to have passed Department firearm qualification standards within one calendar year in order to retain their right to carry a firearm and full peace officer powers of arrest.

According to an audit conducted by Medical Liaison Section on _____, 2007, you have not passed the required firearm shooting qualification course since _____.

On _____, you were served with a *Notice to Meet Firearm Qualification Requirements within 30 Calendar Days*, which allowed you 30 days to determine if you were medically fit to qualify, and if so, to pass the minimum firearm qualification standards. The 30-Day notice expired on _____, and you were unable to meet Department firearm qualification standards.

It is in the interest of your safety, public safety and the safety of other officers that you are hereby ordered to relinquish your City-issued duty firearm and police identification card to Medical Liaison Section (MLS), or a supervisor. You are to respond to Personnel Records Sections, Personnel Division, directly from MLS and obtain a restricted police identification card. Furthermore, you are ordered not to carry a firearm on or off-duty under the authority of a peace officer, and you are not to act in the capacity of a peace officer while off-duty.

This order will remain effective until such time that you are able to meet Department firearm qualification standards, at which time your right to carry a firearm and full peace officer powers may be reinstated. Violation of this order could lead to administrative discipline up to and including discharge from employment. The Chief of Police or his or her designee has the final decision regarding any deviation from this order.

_____, Captain
Commanding Officer
_____Area

Police Officer _____, Serial No. _____

Page 2

I have read the above and understand that I have been given a direct order to surrender my City-issued firearm and police identification card. I understand that I am not to carry a firearm on or off-duty or act in the capacity of a police officer while off-duty. I understand that failure to comply with this order will constitute insubordination and may result in discipline up to and including discharge from my position as a police officer with the Los Angeles Police Department.

Employee Signature/ Date

Witnessing supervisor/ Serial No.

On _____, _____ relinquished his/her City-issued firearm, _____, and Police Identification Card to me, _____.

Signature/ Date
(person receiving items)

Signature/ Date
(person relinquishing items)